

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ACE V. WHITENER,

Petitioner,

v.

TIM GARRETT, *et al.*,

Respondents.

Case No. 3:22-cv-00528-ART-CSD

ORDER

This habeas corpus action was initiated *pro se* on November 30, 2022, by Ace V. Whitener, an individual incarcerated at Nevada's Lovelock Correctional Center. Whitener filed an application to proceed *in forma pauperis* (ECF No. 1), a petition for writ of habeas corpus (ECF No. 1-1, pp. 1-17), exhibits in support of the habeas petition (ECF No. 1-1, pp. 18-1020), a memorandum of points and authorities in support of the habeas petition (ECF No. 1-2), a motion for appointment of counsel (ECF No. 1-3), and a letter to the Clerk of the Court regarding payment of the filing fee (ECF No. 1-4).

The Court observes that the exhibits and the memorandum of points and authorities include information about communications between Whitener and his counsel in state-court proceedings. The Court will, therefore, order those materials filed under seal.

The Court intends to resolve Whitener's *in forma pauperis* application, screen his habeas petition, and resolve his motion for appointment of counsel in a separate order. It is further the Court's intention to grant Whitener's motion for appointment of counsel, grant him an opportunity to amend his petition with assistance of counsel, and allow him an opportunity to consult with his appointed counsel about the question of any need to waive his attorney-client privilege for purposes of this action.

1 It is therefore ordered that the Clerk of the Court is directed to place under
2 seal the exhibits filed in support of the petition for writ of habeas corpus (ECF
3 No. 1-1, pp. 18-1020), and the memorandum of points and authorities filed in
4 support of the petition for writ of habeas corpus (ECF No. 1-2).

5 DATED THIS 1st day of December, 2022.

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8 ANNE R. TRAUM
9 UNITED STATES DISTRICT JUDGE
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